

REMARKS

Claims 1-32 are pending in the present application. Claims 1-9, 11, 15-18, 22-24, 29, 31 and 32 stand rejected and Claims 10, 12-14, 19-21, 25, 26 and 30 have been objected to. Claims 27 and 28 have been allowed. Claims 1, 11, 18-22, and 29-32 have been amended herein. Reconsideration is respectfully requested in light of the present amendments and following remarks. The above amendments and following remarks are believed to be fully responsive to the outstanding Office Action and to render all claims at issue patentably distinct over the references cited.

The Examiner is thanked for the courtesies extended to Applicant's representative during a personal interview held on April 27, 2004. Claims 1-32 were discussed and various proposed language regarding the integral sections of the control member, and the direct connection between the control member and the roof bow were discussed. Furthermore, the Examiner agreed that dependent Claim 32 was allowable over the cited references.

The Examiner has raised a question with regard to the priority claim to the provisional patent application Serial No. 60/409,321 (filed September 10, 2002) upon which this application claims priority in the application data sheet filed with the present application. It is believed that the formalities for the present priority claim are satisfactory pursuant to 35 U.S.C. §119(e) and MPEP §201.11. Furthermore, it is believed that a priority claim to a provisional patent application is not required to also be stated in the declaration or oath, unlike the claim to foreign priority. If the Examiner continues to believe otherwise, the Examiner is respectfully requested to cite the

statutory section, CFR rule or MPEP section requiring such. Thus, the Examiner's reconsideration is respectfully requested.

The Examiner has rejected Claims 1-5, 8, 9, 29 and 32 under 35 U.S.C. §102(b) as allegedly being anticipated by Schrader et al. (JP 05-193363). This rejection is respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited reference. Notwithstanding, Independent Claim 1 has been amended to state that the control member includes a section which is generally more rigid than the living hinge and that the sections of the control member are integral with each other. Support for this amendment can be found in Applicant's originally filed application at page 7, paragraph [0019], Claim 32 and at least in Figures 3 and 5a. In contrast, the three "very short straps 14 [which] are riveted to the rear edge zone of the shaping shell 12", which is aluminum, of Schrader does not teach, suggest or motivate the claimed combination of features, especially as presently amended. It is noteworthy that the Japanese Schrader reference is more easily understood by considering U.S. Patent No. 5,253,915 which issued on October 19, 1993, which appears to be an English language equivalent to the Japanese reference cited.

Furthermore, independent Claim 29 has been amended at step (a) to recite "controlling positioning of the back window with the control member which is directly connected to the roof bow." Support for this amendment can be found within Applicant's originally filed specification at paragraph number [0016] and in at least Figures 2-6. In contrast, the cited reference does not disclose the claimed combination of features, especially as amended. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claims 18 and 22-24 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Tanogami (JP 62-026119). This rejection is respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited reference. Notwithstanding, the features of the allowable dependent Claim 19 have been essentially added to independent Claim 18. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claim 6 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Schrader et al. in view of Hoffman (JP 02-106433). This rejection is respectfully traversed. It is believed that the originally filed claim is patentably distinct over the cited references. It is worth noting that the Japanese Hoffman reference appears to be equivalent to U.S. Patent No. 4,964,668. Notwithstanding, it appears that the instant rejection is moot in light of the amendment to the base independent claim. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

The Examiner has rejected Claim 7, 11, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Schrader et al. in view of alleged obvious common knowledge. This rejection is respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited reference. The Examiner's assumptions as to alleged obvious common knowledge are respectfully challenged as being unsupported and incorrect in the presently claimed combination of elements. The aluminum alloy shell 12 and flexible material straps 13 of Schrader et al. are made and act quite different from the polymeric control member of the invention claimed in Claims 7 and 11. Notwithstanding, independent Claim 11 has been amended to state that the control member is directly attached to the roof bow (which includes but is not limited to

the lost motion coupling disclosed in the preferred embodiment). In contrast, the cited reference does not teach, suggest or motivate the claimed combination of features. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claims 17 and 31 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Schrader et al. in view of Hoffman. This rejection is respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited references. Notwithstanding, the rejection is deemed moot in light of the amendment to the base independent claims. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

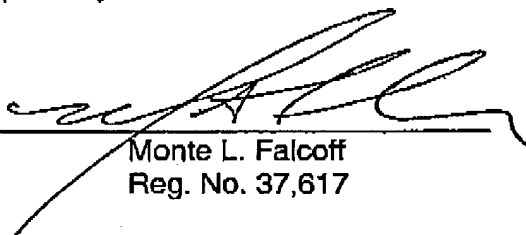
In view of the instant amendments, it is submitted that the present application is in condition for allowance. Accordingly, it is requested that the Examiner pass the case to issue at his earliest convenience.

Respectfully submitted,

Dated:

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